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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,030	05/26/2000	Robert A. Gilman	JANCO 3.0-001	8146
530	7590	12/29/2003	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			DIEP, NHON THANH	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 12/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,030

Applicant(s)

GILMAN ET AL.

Examiner

Nhon T Diep

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (US 4,628,351), cited by the applicant, in view of Kerchner, cited in the previous Office Action.

Heo discloses a cooking apparatus comprising a housing having an interior and a door, the door being movable between an open position at which the interior can be accessed and a closed position (fig. 1); appliance controls (fig. 1, el. 54); a kitchen appliance apparatus for effecting the environment of the interior, as controlled by the appliance controls (fig. 1, el. 54, 56); and a display integrally and non-portably built within the housing for display electronic image on the door (fig. 1, el. 47) as specified in claim 1; further including a television tuner; the television tuner is within the housing (fig. 1, el. 53-53) as specified in claims 2 and 3; further comprising a microprocessor; and the microprocessor is within the housing (col. 1, ln. 30-38) as specified in claims 4 and 6; further including video generating apparatus; the video generating apparatus is a

video camera (fig. 2, el. 21-22) as specified in claims 7-8; the kitchen appliance is a conventional oven (col. 1, ln. 62-66) as specified in claim 19. It is noted that: Heo does not particularly disclose:

- a. the display is built with the door of the microwave and a shield protecting the display and associated components from effected environment in the interior as specified in claims 1 and 20;
- b. further including a keyboard for controlling the microprocessor as specified in claim 5;
- c. the video generating apparatus is at least partially in the housing as specified in claim 9.

With regard to **a and c**: Kerchner teaches to use a door of the microwave as a display for display images and a shield protecting the display and associated components from effected environment in the interior (col. 9, ln. 41-50). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Heo by using the door as a display screen as taught by Kerchner. Doing so would help to increase the dimension of the display screen and make it easier for user to watch. With regard to c, Kerchner teaches to use inside camera to view the microwave's food compartment (col. 20, ln. 57-65) and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to further modify the system of Heo by proving a camera for obtaining and displaying the inside of the microwave as taught by Kerchner to view the progress of cooking or defrosting.

With regard to **b**: Kerchner also teaches the using of keyboard to control functions that require text entry (col. 16, ln. 43-51). And therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Heo by providing a keyboard for control any other function that require text entry as taught by Kerchner. Doing so would help to make the system users friendly and as a direct result of it, will increase the marketability of the system.

4. Claims 10-13, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (US 4,628,351), cited by the applicant, in view of Kerchner, cited in the previous Office Action.

Heo discloses a cooking apparatus comprising a housing having an interior and a generally planar surface appliance controls (fig. 1, el. 54) and a door, the door being movable between an open position at which the interior can be accessed and a closed position (fig. 1); a kitchen appliance apparatus for effecting the environment of the interior, as controlled by the appliance controls (fig. 1, el. 54, 56); and a display integrally and non-portably built into the generally planar surface, the display (fig. 1, el. 47) as specified in claims 10 and 16. It is noted that Heo does not particularly disclose that the display covering about at least one-quarter of the planar surface as specified in claims 10 and 16; the appliance controls are part of the housing and the appliance apparatus are in the housing (fig. 1, el. 52-53-54) as specified in claim 17. Kerchner teaches the using of the microwave door as a display and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Heo by using the microwave door as a display screen and as direct result

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of it, the display screen would be at least covering one-quarter of the planar surface as specified in claim 10; or at least one-third of the planar surface as specified in claim 11; or one-half of the planar surface as specified in claim 12 (fig. 12 of Kerchner shows that display screen covers at one half of the entire front surface of the microwave). Doing so would help to increase the dimension of the display screen and make it easier for user to watch.

With regard to claims 13 and 16: Al though, Heo does not particularly disclose that the door and the planar surface are not on the same side of the appliance housing; however, Heo also teaches that "it must be clear that the present invention is not limited to a microwave oven but can be employed as another type of cooking apparatus". Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Heo by displaying images on any other cooking devices as further taught by Heo and since other cooking devices such as gas grill or gas oven and since the doors of these cooking apparatus would not be the best places to be used as display screen then it would have been obvious to use other surfaces for display.

With regard to claim 15: As applied to claim 10 above, it is noted that the combination of Heo and Kerchner does not particularly disclose a display cover for selective covering and uncovering of the display. Since, it is well known that there is a need to cover display screen to protect from dirt and therefore, it would have been obvious that a cover would be provided to selectively cover and uncover the display to protect for dirt.

5. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (US 4,628,351), cited by the applicant, in view of Kerchner, cited in the previous Office Action and further in view of Roh et al (US 6,370,890).

As applied to claim 10 above, it is noted that the combination of Heo and Kerchner does not particularly disclose that the kitchen appliance is a refrigerator, and the planar surface is on the side of the refrigerator as specified in claim 14. Roh et al teaches the using of a predetermined portion of the outer face of the refrigerator to display image thereon. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of the combination of Heo and Kerchner by displaying images on any out face of the refrigerator as further taught by Roh et al. Doing so help to use any or all available surfaces of the refrigerators for display images.

As applied to claim 1 above, it is noted that the combination of Heo and Kerchner does not particularly disclose at least one hinge, the hinge being modified from that which would be required to support the door without the display and associated components in order to support the door and the associated component as specified in claim 19. Roh et al teaches the using of upper refrigerator door for displaying images. And therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify system of the combination of Heo and Kerchner by using the upper refrigerator door for display as a matter of designer's choice and that would leave at least one hinge of the lower door to support the lower door without the

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display and associated components in order to support the door and the associated component.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND
December 15, 2003


NHON DIEP
PRIMARY EXAMINER